

## REMARKS

Claims 40-41 are pending in the present application. As indicated above, Claims 40 and 41 have been amended, and new Claims 42 and 43 have been added.

In the Office Action, Claims 40 and 41 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,966,671 (*Mitchell*) in view of U.S. Patent No. 6,529,713 (*Seymour*).

More specifically, the Examiner cites *Mitchell* as disclosing all elements of Claim 40 except the use of a watch-type portable phone or a watch-type portable phone having a multi-function key; *Seymour* is cited to cure the deficiencies of *Mitchell*. In particular, the Examiner cites *Mitchell* as disclosing generating at least one input signal by manipulating a multi-function key, the input signal being used to perform inputting digits/characters. The text of *Mitchell* cited by the Examiner is column 2, lines 18-30; column 7, lines 9-17; column 8, lines 61-67; and Table 2.

However, it is respectfully submitted that *Mitchell* at column 2, lines 18-30 only discloses navigation, selection of menu items and phone numbers, and confirmation in "feature operations" using a multi-function key. This text of *Mitchell* does not teach or suggest inputting digits/characters using a multi-function key as recited in Claim 40 as amended.

*Mitchell* at column 7, lines 9-17 states:

The FCN key followed by the smart button will also access the main menu. The FCN key followed by the smart button followed by digit keys will access the direct menu items. The cursor keys 124 and 126 will provide scrolling functionality throughout the Menu subsystem. The smart button will confirm selection of a menu item or toggle a menu item's status (on/off). The following table provides a list of user functions which are selected or toggled by the smart button, depending on the function...

In this section, *Mitchell* discloses that an FCN key is required to use the multi-function key to access the menu items shown in Table 2. Claim 40 does not require the use of a key other than the multi-function key to input digits/characters. Further, with respect to inputting, the above cited text of *Mitchell* states that the smart button “will confirm selection or toggle a menu item’s status”, thus clarifying that the menu items in Table 2, which refer to use of the smart button to complete entries, are disclosing finishing and closing an entry mode, rather than inputting digits/characters. Therefore, it is respectfully submitted that *Mitchell* does not disclose use of a multi-function key to input digits/characters as recited in Claim 40 as amended, either in the above-cited text or in any of the menu items in Table 2.

*Mitchell* at column 8, lines 61-67 teaches the elimination of functional keys on the keypad. This passage of *Mitchell* does not disclose inputting digits/characters as recited in Claim 40 as amended.

*Seymour* discloses a radio handset assembly with a wearable element and a handset demountable from the wearable element with a flexible, deformable portion for extending between the ear and mouth of a user. *Seymour* also discloses that a small mobile phone may be carried on the wrist in a fashion similar to a conventional wristwatch.

Thus, *Mitchell* does not disclose, either in the text cited by the Examiner or anywhere else in the specification, using a multi-function key to input digits/characters as recited in Claim 40 as amended. *Seymour* does not cure this deficiency of *Mitchell*. Therefore, it is respectfully submitted that amended Claim 40 is patentably distinct from *Mitchell* in view of *Seymour*, and it is respectfully requested that the rejection of Claim 40 be withdrawn.

Without conceding patentability per se of dependent Claims 41-43, it is respectfully submitted that Claims 41-43 are believed to be allowable over *Mitchell* in view of *Seymour* by virtue of their dependence on Claim 40.

Accordingly, all of the claims pending in the Application, namely, Claims 40-43, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Farrell".

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